

The opinion in support of the decision being entered today
is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVE B. LUNDAHL

Appeal 2006-1417
Application 09/326,405
Technology Center 3600

Decided: September 21, 2007

Before EDWARD C. KIMLIN, BRADLEY R. GARRIS, and
CHARLES F. WARREN, *Administrative Patent Judges*.

KIMLIN, *Administrative Patent Judge*.

DECISION ON REQUEST FOR REHEARING

Appellant requests rehearing of our Decision of October 27, 2006,
wherein we sustained the Examiner's final rejection of claims 11-13 under
35 U.S.C. § 103(a).

We have thoroughly reviewed Appellant's Request but we do not
subscribe to Appellant's position that we misapprehended or overlooked the
points made in the Request. In our view, the arguments made by Appellant

in the Request were fully considered in reaching our decision that the claimed subject matter would have been obvious to one of ordinary skill in the art within the meaning of § 103 in view of the applied prior art.

Appellant poses the question “what motivation would there be for someone skilled in the art to replace a framed screen which can be installed and removed from the inside of the house with some difficulty, with an unframed screen that is designed to be easily removed from the inside when mounted on the inside of a window frame, but would be more difficult to remove and install when mounted on the exterior of a window frame?” (Request 5, first para.). However, the motivation expressed by Appellant is misplaced and misses the thrust of our reasoning in support of the legal conclusion of obviousness for the claimed subject matter. Lazarek evidences that it was known in the art to employ the well-known, conventional hook and loop fasteners for securing a window screen to a structure. Therefore, we concluded, and remain of the opinion, that one of ordinary skill in the art would have found it obvious to modify the window system of Kehne so as to utilize such conventional hook and loop fasteners to provide easy and quick mounting and dismounting of the screen. We perceive nothing nonobvious in substituting one known securing means for another when both means were known for securing a window screen to a structure, and Appellant has advanced no reason why such a modification would have been nonobvious to one of ordinary skill in the art.

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As for the Declaration evidence relied upon by Appellant, we are not convinced that the probative value we accorded the Declaration evidence was in error. We adhere to our judgment that the evidence of obviousness presented by the Examiner outweighs the evidence of nonobviousness proffered by Appellant.

In conclusion, based on the foregoing, we have granted Appellant's request to reconsider our decision, but we deny the request with respect to making any change therein.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

DENIED

clj

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